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EXAMINER				
KHAN, USMAN A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/649,966

Applicant(s)

HIROKI, SHIGERU

Examiner

USMAN KHAN

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 05/09/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 08/07/2008 with respect to claims 1, 9, 10, and 12 - 14 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 05/09/2008 has been considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97.

DETAILED ACTION

Regarding rejection under 35 U.S.C. 112, second paragraph provided in the previous office action for claims 1, 9, 10, and 12 - 14. Applicant has amended these claims to overcome the rejections under 35 U.S.C. 112, second paragraph to these claims.

DETAILED ACTION

Claim Objection

Claims 1, 9, 10, and 12 - 14 are objected to because of the following informalities: in claims 1, 9, 10, and 12 - 14, applicant claims "a title" the examiner notes that this title is not described in the original specification as filed; for faster prosecution the examiner will take "a title" as meaning an e-mail subject field of the

email according to the "subject field" defined in the specification. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: the claim claims a "subject portion" the examiner is unsure of what the "subject portion" is referring to after a review of the applicant' disclosure "subject portion" is not clearly defined in the disclosure of the application and the applicant discloses various phrases used in reference to a subject: "the subject", "the subject of the electronic mail", "the subject field", and "subject data". Figure 11 also shows two possible areas in the e-mail that could be considered "the subject" - 1) "photo" or 2) "This image was photographed at preset time 07:00" hence the examiner can consider any part of the E-mail as the "subject portion". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 - 10 and 12 - 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Enright et al. (US patent No. 6,583,813) in view of SAKURAI (JP 2002165195).

Regarding **claim 1**, Enright et al. teaches an image sensing apparatus comprising: setting means for setting a sensing condition (figure 22; set up sequences)

along with sensing time information for an image sensing (time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); sense means for sensing an image in accordance with the sensing condition along with the sensing time information set by said setting means (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); converting means for converting format of the sensing time information into text data format for specifying the sensing time information with converted text data (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data); and transmitting means for transmitting, by an electronic mail, the converted text data as a part of electronic mail text message when the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data), wherein the converted text data are separated from the sensed image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

However, Enright et al. fails to teach wherein said converting means edits the sensed image in such a way that the converted text data are represented as a title of the electronic mail. SAKURAI, on the other hand teaches wherein said converting means edits the sensed image in such a way that the converted text data are represented as a title of the electronic mail.

More specifically, SAKURAI teaches wherein said converting means edits the sensed image in such a way that the converted text data are represented as a title of the electronic mail (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a message portion (figures 62 - 72; trigger/event type).

Regarding **claim 3**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim.

However, Enright et al. fails to teach wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a subject portion. SAKURAI, on the other hand teaches wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a subject portion.

More specifically, SAKURAI teaches wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a subject portion (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Regarding **claim 4**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein said transmitting means transmits the sensing condition together with the image sensed by said sense means (figures 61 - 72; trigger/event type).

Regarding **claim 5**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim.

Additionally, Enright et al. discloses wherein the sensing condition set by said setting means includes any one of a specific time (figure 72), a predetermined elapsed time (figure 56 and paragraph column 34 lines 19 *et seq.*), sensor detection by an external sensor (figures 62 - 72; trigger/event type), detection of a sound level higher than a predetermined level (column 39 lines 16 *et seq.*; sound detection from microphone detecting stress levels of the sound), and operation of a sensing button (column 40 lines 27 - 39;panic button).

Regarding **claim 6**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein said transmitting means can transmit image stored in an external memory (figure 10 and column 28 lines 51 *et seq.*; image from image server, this image also including image data), and also transmits, when transmitting image stored in the external memory, information indicating that the transmitted image is an image that has been stored in the external memory (figure 10 and column 28 lines 51 *et seq.*; image from image server, this image also including image data).

Regarding **claim 7**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein the time information includes a time at which the image was sensed by said sense means (figures 62 - 72; trigger/event type

and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72).

Regarding **claim 8**, as mentioned above in the discussion of claim 1, Enright et al. in further view of SAKURAI teach all of the limitations of the parent claim. Additionally, Enright et al. discloses further comprising transfer means for transferring the image sensed by said sense means to a server connected to a network (figure 10; image server, network), wherein said transmitting means transmits link address information for specifying the image transmitted to the server, together with the sensing condition (figures 62 - 72; image name which can be used as a link for the image and the trigger/event type included in the transfer of the image).

Regarding **claim 9**, Enright et al. teaches an image sensing apparatus comprising: setting means for setting a sensing condition (figure 22; set up sequences) along with sensing time information for an image sensing (time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); sense means for sensing an image in accordance with the sensing condition along with the sensing time information set by said setting means (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); converting means for converting format of the sensing time information into text data format for specifying the sensing time information

with converted text data (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data); and transmitting means for transmitting, by an electronic mail, the converted text data as a part of electronic mail text message indicating a time at which the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data), wherein the converted text data are separated from the sensed image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

However, Enright et al. fails to teach wherein said converting means edits the sensed image sensed by said sense means and the converted text data in such a way that the converted text data are represented as a title of the electronic mail. SAKURAI, on the other hand teaches wherein said converting means edits the sensed image sensed by said sense means and the converted text data in such a way that the converted text data are represented as a title of the electronic mail.

More specifically, SAKURAI teaches wherein said converting means edits the sensed image sensed by said sense means and the converted text data in such a way that the converted text data are represented as a title of the electronic mail (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Regarding **claim 10**, Enright et al. teaches an image sensing apparatus comprising: setting means for setting a sensing condition (figure 22; set up sequences) along with sensing time information for an image sensing (time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); sense means for sensing an image in accordance with the sensing condition along with the sensing time information set by said setting means (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); converting means for converting format of the sensing time information into text data format for specifying the sensing time information with converted text data (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of

the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data); and electronic mail creating means for creating an electronic mail to which the converted text data are added as a part of electronic mail text message (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data), wherein the converted text data are separated from the sensed image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

However, Enright et al. fails to teach wherein said converting means edits the sensed image and the converted text data of in such a way that the converted text data are represented as a title of the electronic mail. SAKURAI, on the other hand teaches wherein said converting means edits the sensed image and the converted text data of in such a way that the converted text data are represented as a title of the electronic mail.

More specifically, SAKURAI teaches wherein said converting means edits the sensed image and the converted text data of in such a way that the converted text data are represented as a title of the electronic mail (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Regarding **claim 12**, Enright et al. teaches a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition (figure 61; filter conditions/alarms) along with sensing time information for an image sensing (time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); a sensing step of sensing an image in accordance with the sensing condition along with the sensing time information stored at the storing step (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); a converting step of converting format of the sensing time information into text data format for specifying the sensing time information with converted text data (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data); and a transmitting step of transmitting, by an electronic mail, the converted text data as a part of electronic mail text message when the image was sensed at the sensing step (column 36, lines 32 *et seq.*; emails also include

information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data), wherein the converted text data are separated from the sensed image (figures 62 – 72; also figure 19 including time and date data as seen for example in figure 68).

However, Enright et al. fails to teach wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail. SAKURAI, on the other hand teaches wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail.

More specifically, SAKURAI teaches wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Regarding **claim 13**, Enright et al. teaches a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition (figure 61;

filter conditions/alarms) along with sensing time information for an image sensing (time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); a sensing step of sensing an image in accordance with the sensing condition along with the sensing time information stored at the storing step (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); a converting step of converting format of the sensing time information into text data format for specifying the sensing time information with converted text data (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data); and a transmitting step of transmitting, by an electronic mail, the converted text data as a part of electronic mail text message indicating a time at which the image was sensed at the sensing step (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data), wherein the converted text data are separated from the sensed image (figures 62 – 72; also figure 19 including time and date data as seen for example in figure 68).

However, Enright et al. fails to teach wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data

are represented as a title of the electronic mail. SAKURAI, on the other hand teaches wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail.

More specifically, SAKURAI teaches wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Regarding **claim 14**, Enright et al. teaches control method for an image sensing apparatus comprising: a storing step of storing a sensing condition (figure 22; set up sequences) along with sensing time information for an image sensing (time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); a sensing step of sensing an image in accordance with the sensing condition along with the sensing time information stored at the storing step (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); a converting step of converting format of the sensing time information into text data format for specifying the sensing time information with converted text data (column 36, lines 32 *et seq.*; emails also

include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data); and an electronic mail creating step of creating an electronic mail to which the converted text data are added as a part of electronic mail text message (column 34 lines 8 – 18; column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data), wherein the converted text data are separated from the sensed image (figures 62 – 72; also figure 19 including time and date data as seen for example in figure 68).

However, Enright et al. fails to teach wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail. SAKURAI, on the other hand teaches wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail.

More specifically, SAKURAI teaches wherein said converting step edits the sensed image and the converted text data in such a way that the converted text data are represented as a title of the electronic mail (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the

teachings of Enright et al. because in column 0034 SAKURAI teaches that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

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